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VIA ECF

The Honorable Peggy Kuo, U.S.M.J.
U.S. District Court for the Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Fischler v. Olly Public Benefit Corp., 1:21-cv-00097 (ERK)(PK)

Dear Magistrate Judge Kuo:

This firm represents Plaintiff Brian Fischler in this website accessibility case arising under Title III of the American's with Disabilities Act and the analogous state and city laws. We write now to respectfully request a 30-day adjournment of the Initial Pretrial Conference currently scheduled for April 9, 2021 at 11:00am. (Dkt 7.)

To date Plaintiff has made two good faith, albeit unsuccessful, attempts to serve Defendant at offices in New Jersey and California, including at the address listed on Defendant's website. We are currently attempting service at another California address associated with Defendant, which service is still within Plaintiff's time to sever Defendant under Fed. R. Civ. P. 4(m). (See Dkt. 1.) Accordingly, Plaintiff requests this adjournment to allow time to serve Defendant and, once served, to allow the parties to explore a possible early resolution.

This is the first request for an adjournment of the Initial Pretrial Conference. Because Defendant has not yet been served, Defendant neither consents, nor objects to this request.

We appreciate the Court's consideration of these matter.

Respectfully submitted,
LIPSKY LOWE LLP

s/ Christopher H. Lowe
Christopher H. Lowe